

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SHYANDREA HESTER and MARY
HESTER,

Plaintiffs,

v.

LOWNDES COUNTY COMMISSION,
CHRISTOPHER BROWN,
EMERGYSAT, DEPUTY JIMMY
HARRIS, et al.,

Defendants.

CIVIL ACTION NO.:
CV-06-572-WHA

A N S W E R

COME NOW, the defendants, **Emergystat, Inc. and Christopher Brown**, and for Answer to Plaintiffs' Complaint, state as follows:

1. As to Paragraph 1, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

2. As to Paragraph 2, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

3. These defendants admit that Christopher Brown was a resident of the state of Alabama and a paramedic for Emergystat. As to the remaining allegations of Paragraph 3, these defendants deny these allegations.

4. These defendants admit Paragraph 4.

5. As to Paragraph 5, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

6. As to Paragraph 6, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

7. As to Paragraph 7, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

8. These defendants deny the allegations of Paragraph 8.

9. These defendants deny the allegations of Paragraph 9.

10. These defendants deny the allegations of Paragraph 10.

11. These defendants deny the allegations of Paragraph 11.

12. These defendants admit the allegations of Paragraph 12.

13. These defendants deny the allegations of Paragraph 13.

14. These defendants deny the allegations of Paragraph 14.

15. As to paragraph 15, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

16. These defendants deny the allegations of Paragraph 16.

17. As to Paragraph 17, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

18. These defendants deny the allegations of Paragraph 18.

19. These defendants deny the allegations of Paragraph 19.

20. The allegations of Paragraphs 20-21 have been dismissed and require no response. These defendants deny the allegations of Paragraph 20.

21. These defendants deny the allegations of Paragraph 21.

22. The allegations of Paragraphs 22-26 have been dismissed and require no response. These defendants deny the allegations of Paragraph 22.

23. As to Paragraph 23, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

24. These defendants deny the allegations of Paragraph 24.

25. As to Paragraph 25, these defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

26. These defendants deny the allegations of Paragraph 26.

DEFENSES

FIRST DEFENSE

These defendants plead the general issue and say that they are not guilty of the matters alleged in the Complaint.

SECOND DEFENSE

These defendants plead the general issue and say that the allegations of the Complaint are not true.

THIRD DEFENSE

These defendants say that the Complaint fails to state a claim against these defendants upon which relief can be granted.

FOURTH DEFENSE

These defendants say that the incident complained of was proximately caused by a new, independent, and intervening efficient cause, and not by these defendants.

FIFTH DEFENSE

As to the Complaint, these defendants deny each and every material allegation of the Plaintiffs' Complaint and specifically deny that the plaintiffs are entitled to recover damages from these defendants.

SIXTH DEFENSE

These defendants aver that there is no causal relationship between any act of these defendants and the injury alleged in the Complaint.

SEVENTH DEFENSE

These defendants plead contributory negligence of the plaintiffs.

EIGHTH DEFENSE

These defendants plead that the plaintiffs assumed the risk of the injury and/or damage alleged.

NINTH DEFENSE

These defendants plead that they did not breach any duty owed to the plaintiffs.

Respectfully submitted,

s/ Celeste Holpp

Celeste P. Holpp

Bar Number: ASB-0013-A50C

Attorney for Defendants

Norman, Wood, Kendrick & Turner

Financial Center – Suite 1600

505 20th Street North

Birmingham, Alabama 35203

Phone: (205) 328-6643

Fax: (205) 251-5479

Direct Dial: (205) 259-1035

Email: cholpp@nwkt.com

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James Earl Finley

Tyrone Townsend

finleylawfirm@aol.com

TTownsl@msn.com

s/ Celeste P. Holpp

Norman, Wood, Kendrick & Turner

Financial Center – Suite 1600

505 20th Street North

Birmingham, AL 35203

Phone: (205) 328-6643

Fax: (205) 251-5479

Direct Dial: (205) 259-1035

Email: cholpp@nwkt.com